

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**DAVID AGOADO, LEEANN MCNALLY,
CRAIG MOORE, CHRIS PIERRE,
THOMAS SHARKEY AND DOREEN
VAZQUEZ**, individually and on behalf of all
others similarly situated,

Plaintiffs,

- against -

MIDLAND FUNDING, LLC, MIDLAND FUNDING, LLC DBA IN NEW YORK AS MIDLAND FUNDING OF DELAWARE, LLC, MIDLAND CREDIT MANAGEMENT, INC., RUBIN & ROTHMAN, LLC, FORSTER & GARBUS LLP, COHEN & SLAMOWITZ, LLP and PRESSLER AND PRESSLER LLP

Defendants.

Civil Action No.

2:14-cv-00018-JMA-AKT

**AFFIDAVIT IN OF XENIA MURPHY
REGARDING THE HOUSEHOLD
ACCOUNT OF PLAINTIFF AGOADO**

STATE OF RHODE ISLAND)
) ss.
COUNTY OF KENT)

I, Xenia Murphy, swear, depose and say the following:

1. I am employed by Midland Credit Management, Inc. ("MCM") as a Director of Legal Outsourcing, and I have personal knowledge of this matter.

2. I make this affidavit in support of the motion for summary judgment of Midland Funding, LLC, Midland Funding, LLC DBA in New York as Midland Funding of Delaware, LLC (together "MF"), and MCM (collectively, "Midland").

3. In August of 2011, MF purchased a charged-off debt that Plaintiff David Agoado (“Agoado”) owed to Household Financial Corporation (“Household”) from HSBC Consumer Lending (USA) Inc. ("HSBC") as part of a portfolio of charged-off HSBC debts.

4. I have personal knowledge of the fact that MF owns Agoado's former HSBC account by virtue of my work at MCM and my review of MCM's records applicable to Agoado's debt.

5. Filed under seal as Murphy-Agoado Ex. A and Bates stamped MCM-0867 to MCM-0891 is a true and correct copy, with certain redactions to protect proprietary information, of the Account Purchase and Sale Agreement and supporting documents evidencing the sale of a portfolio of charged-off debts from HSBC to MF.

6. Agoado's delinquent Household debt obligation was included in the portfolio of charged-off debts transferred pursuant to Murphy-Agoado Ex. A.

7. The information pertaining to this portfolio of charged-off debts was transferred to MCM in a computerized form through a media file containing the information applicable to each of the charged-off debts.

8. Attached hereto as Murphy-Agoado Ex. B and Bates stamped MCM-0130 is a true and correct copy, with certain redactions made to protect Agoado's privacy, of the information provided by HSBC Consumer Lending (USA) Inc. pursuant to the Bill of Sale/Assignment of Accounts transferred on or about August 26, 2011 in connection with the sale of accounts from HSBC Consumer Lending (USA) Inc. to MF, identifying Agoado's former Household account as one of the purchased debts within the HSBC Consumer Lending (USA) Inc. portfolio of accounts sold to MF.

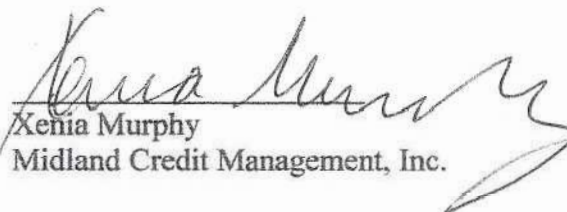
9. After acquiring Agoado's former HSBC debt, acting on behalf of MF, MCM sent Agoado an initial collection letter, titled "Notice of New Ownership *And* Pre-Legal Review", on September 3, 2011. A true and correct copy of this letter, with certain redactions to protect

Agoado's privacy, is attached hereto as Murphy-Agoado Ex. C and Bates stamped MCM-0127 to MCM-0129.

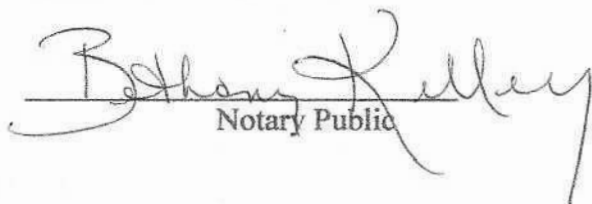
10. Attached hereto as Murphy-Agoado Ex. D and Bates stamped S&S000098 to S&S000102, is a true and correct copy of an arbitration rider, personal credit line account agreement and revolving loan voucher obtained by MCM from HSBC. HSBC represented that these documents govern Agoado's Household account.

11. Attached hereto as Murphy-Agoado Ex. E and Bates stamped S&S000114 to S&S000117, is a true and correct copy of the Affidavit of Kayla Haag in Support of MF's Motion for Default Judgment against Agoado, along with its Certificate of Conformity, supporting MF's efforts to collect Agoado's former Household account.

Dated: Kent, Rhode Island
August 30 2016


Xenia Murphy
Midland Credit Management, Inc.

Sworn to before me this
30 day of August 2016


Bethany Kelley
Notary Public

